

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANTHONY MICHAEL BUTLER,

Plaintiff,

v.

ROBERT PICKELL et al.,

Defendants.

Case No. 1:21-cv-10817

Honorable Thomas L. Ludington
United States District Judge

Honorable Kimberly G. Altman
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DISMISSING CASE
WITH PREJUDICE**

In March 2021, Plaintiff Anthony Michael Butler filed a *pro se* complaint¹ under 42 U.S.C. § 1983 alleging that Defendants violated his constitutional rights by installing security cameras that allegedly recorded his confidential attorney-client meetings. ECF No. 1. In July 2022, Plaintiff's claims under the Fifth and Fourteenth Amendments, the Michigan Constitution, state law, and for injunctive relief were dismissed. ECF No. 33. In February 2023, Defendants filed a motion for summary judgment on Plaintiff's remaining Fourth and Sixth Amendment claims arguing that Plaintiff "had no expectation of privacy" and that the recorded conversations "were not private," so attorney-client privilege does not apply. ECF No. 35 at PageID.210.

On May 18, 2023, Magistrate Judge Kimberly G. Altman issued a report recommending that Defendants' Motion be granted because Plaintiff had no reasonable expectation of privacy and Defendants' conduct was based on "a valid penological interest that was not outweighed by any chilling effect." ECF No. 39 at PageID.354–66. Judge Altman provided 14 days to object, but the parties did not do so. They have therefore forfeited their right to appeal Judge Altman's findings.

¹ Co-plaintiff Dylan Earick was dismissed without prejudice in August 2021. ECF No. 8.

See Berkshire v. Dahl, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in the report.

Accordingly, it is **ORDERED** that Magistrate Judge Altman’s Report and Recommendation, ECF No. 39, is **ADOPTED**.

Further, it is **ORDERED** that Defendants’ Motion for Summary Judgment, ECF No. 35, is **GRANTED**.

Further, it is **ORDERED** that the above-captioned case is **DISMISSED WITH PREJUDICE**.

This is a final order and closes the above-captioned case.

Dated: June 8, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge